

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/785,189

Art Unit: 2626

Filed: 02/25/2004

Confirmation No.: 7413

Applicant: Thanh Vinh Vuong

Examiner: Michael C. Colucci

Title: SYSTEM AND METHOD FOR MULTI-LINGUAL TRANSLATION

Docket No.: 16813-13US

Customer No.: 020988

Filed Electronically

Commissioner of Patents

P.O. Box 1450

Alexandria, V.A. 22313-1450

Dear Sir/Madam:

SUBMISSION IN SUPPORT OF PETITION UNDER 37 CFR 1.137(B)
ESTABLISHING UNINTENTIONAL DELAY

Also submitted herewith is a petition for reinstatement pursuant to the Notice of Panel Decision to the pre-appeal brief, mailed on October 16, 2009, and the Notice of Abandonment mailed on March 18, 2010.

Submission

The Applicant presents the following facts in support of the petition for revival of an application for patent abandoned unintentionally:

1. As shown in PAIR, on September 10, 2008, Applicant's representative submitted a change of correspondence address application to change the correspondence to the address associated with customer number 20988.
2. On September 17, 2008, the Patent Office mailed a final office action to the previous correspondence address associated with the Applicant, Research in Motion.
3. As shown in PAIR, On November 13, 2008, Applicant filed a response after final office action with a note on page 2 indicating that the final office action was mailed to the incorrect address and requesting that the correspondence address be updated according to the change of correspondence address form submitted on September 10, 2008.
4. On December 12, 2008, the Patent Office mailed an advisory action to the previous correspondence address associated with the Applicant, Research in Motion.
5. As shown in PAIR, on March 17, 2009, Applicant filed a notice of appeal and pre-appeal brief request for review with a note on page 1 indicating that the advisory action was mailed to the incorrect address and requesting that the correspondence address be updated according to the change of correspondence address form submitted on September 10, 2008.
6. On October 16, 2009, the Patent Office mailed a notice of panel decision from pre-appeal brief review to the previous correspondence address associated with the Applicant, Research in Motion.

7. The notice of panel decision from pre-appeal brief review, having a mailing date of October 16, 2009, and addressed to Ms. Glenda Wolfe at Research in Motion, was not received by Ms. Wolfe. To confirm this, on March 23, 2009, Ms. Wolfe reviewed her U.S. mail received and electronic mail received and did not find the notice of panel decision from pre-appeal brief review.
8. On March 18, 2010, the Patent Office mailed a notice of abandonment to the previous correspondence address associated with the Applicant, Research in Motion. The Notice of Abandonment indicates that: "The Abandonment was confirmed on 03/11/2010."
9. On March 25, 2010, Research In Motion in-house patent attorney Cheryl Fernandez spoke with Examiner Colucci to see who the Examiner spoke with to confirm abandonment. Examiner Colucci could not recall who he spoke with. Ms. Fernandez also spoke with Research In Motion in-house patent attorney Robert Liang, previous attorney handling this file, Ms. Wolfe, and outside counsel Michael Van Eesbeek on March 30, 2010 and found that none of them spoke with the Examiner on March 11, 2010.
10. Ogilvy Renault LLP has no record of having received a telephone call from Examiner Colucci on March 11, 2010.
11. The Applicant, Research in Motion, did not have at any time and does not presently have any intention of abandoning the present application.
12. The Applicant and its representative hereby state that the entire delay from October 16, 2009, to the time of submission of the petition and appeal brief was unintentional.

The Applicant hereby petitions the Commissioner to reinstate the present application and accept the appeal brief, provided herewith.

Applicant believes that no further fees are due in connection with the filing of this paper. In the event that the office determines that any further fee is due, Appellant requests that such fee be charged to its Deposit Account No. 195113.

Applicant requests that any questions concerning this matter be directed to the undersigned.

Respectfully submitted,

OGILVY RENAULT LLP

By /Michael Van Ecsbeck/

Date: May 5, 2010

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